

MONTANA LEGISLATIVE HISTORY

Chapter 133 19 75

Bill H 188 S _____ Original bill & history ✓c

H. Committee on State Administration

Hearing Date(s) Jan 25 ✓c

Feb 06 ✓c

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_____ ✓c

Date Out Feb 06 ✓c

S. Committee on Business & Industry

Hearing Date(s) Feb 26 ✓c

Mar 10 ✓c

_____ ✓c

_____ ✓c

Mar 11 ✓c

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 House BILL NO. 188
2 INTRODUCED BY John Thorne
3 Requested by Dept of Professional Licensing
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
5 LICENSING AND REGULATION OF RENTAL LOCATION AGENTS; AND
6 PROVIDING PENALTIES."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Short title. This act may be cited as the
10 "Montana Rental Location Agent Act of 1975".

11 Section 2. Definitions. As used in this act, unless
12 the context otherwise requires: (1) "Person" means any
13 natural person, corporation, partnership, firm, or
14 association.

15 (2) "Rental location agent" means any person who
16 engages in the business of claiming, demanding, charging,
17 receiving, or collecting, or contracting for the collection
18 of, a fee from a prospective tenant in connection with
19 locating, assistance in locating, or furnishing information
20 concerning the location or availability of real property,
21 including apartment housing, which may be leased or rented
22 as a private dwelling, abode, or place of residence.

23 (3) "Board" means the Montana board of real estate
24 established under section 82A-1602.23.

25 Section 3. License required. (1) It is unlawful for

1 any person to engage in the business or capacity of a rental
2 location agent in this state without first having obtained a
3 license from the board.

4 (2) A license held by a real estate broker, or a real
5 estate salesman employed by a licensed real estate broker,
6 satisfies the license requirements of this act.

7 Section 4. Powers of board. (1) The board may
8 promulgate rules necessary to administer this act and
9 determine contested cases under this act.

10 (2) The board may require applicants for a rental
11 location agent license to successfully pass a written
12 examination.

13 Section 5. Agents -- contracts -- receipts for fees --
14 refunds. (1) Each rental location agent engaged in the
15 rental location business shall give each prospective tenant
16 a contract or receipt which specifies that any amount over
17 ten dollars (\$10) will be refunded to the prospective tenant
18 if the prospective tenant does not obtain a rental through
19 the efforts of the rental location agent.

20 (2) If the information concerning rentals furnished by
21 the rental location agent is not current or accurate in
22 regard to the type of rental desired, the full fee shall be
23 refunded to the prospective tenant.

24 Section 6. Unlawful activities. (1) It is unlawful
25 for any rental location agent to knowingly refer a

1 prospective tenant to:

- 2 (a) a nonexistent address;
- 3 (b) property which is not for lease or rent;
- 4 (c) property which does not meet the specifications of
- 5 the prospective tenant;
- 6 (d) property which leases or rents for a different
- 7 price than that quoted by the rental location agent;
- 8 (e) property listed without the consent of the owner.
- 9 (2) It is unlawful for any rental location agent to
- 10 advertise in any manner without including his name and the
- 11 fact that he is a rental location agent in the
- 12 advertisement.

13 Section 7. Bond required. No license may be issued to
 14 any rental location agent until the applicant has filed with
 15 the board a bond in the name of the state of Montana,
 16 executed by a surety company authorized to do business in
 17 the state, in the amount of ten thousand dollars (\$10,000).
 18 The bond shall be used for the payment of any judgement
 19 awarded a prospective tenant against the rental location
 20 agent.

21 Section 8. Duties of licensee -- renewal of
 22 license. (1) A rental location agent shall immediately
 23 notify the board, in writing, of a change in his business
 24 address, the business address of any branch office or of a
 25 change in his business name.

1 (2) When any rental location agent changes his
 2 business address, he shall return his license to the board
 3 with a request for a new license showing his new business
 4 address, and pay a five dollar (\$5) fee.

5 (3) If a rental location agent changes his business
 6 address without notifying the board within ten (10) days
 7 after such change, his license shall be cancelled.

8 (4) All licenses expire on June 30 of each year and a
 9 request for renewal must be made between June 1 and June 30.
 10 In the event no request for renewal is made within the
 11 prescribed time, it shall be necessary for the licensee to
 12 submit a new application and pay the prescribed fee.

13 (5) A rental location license limits a person's
 14 activities to those specified and does not allow the
 15 licensee to act as a real estate broker or real estate
 16 salesman.

17 (6) A rental location agent shall enter into a written
 18 contract with or provide a receipt for each prospective
 19 tenant which shall clearly reflect:

20 (a) all of the terms and conditions of the agreement
 21 upon which service is to be furnished;

22 (b) the type of rental desired in regard to number of
 23 bedrooms, terms, and other relevant information;

24 (c) a definite date the service is to terminate;

25 (d) receipt for payment of fee;

(e) date of execution;

(f) signatures of the prospective tenant, the agent, and, if negotiated by an agent in the employ of another agent, the employed agent on behalf of the employing agent.

(7) An originally signed copy of any contract or receipt shall be furnished to the prospective tenant and a copy shall be retained by the rental location agent for a period of one (1) year subject to the inspection of the board.

(8) A list of all addresses given to the prospective tenants and a list of all subsequent addresses given to a tenant by telephone or otherwise, shall be maintained by the agent with the date of dissemination indicated, and such lists shall clearly state the address of the property, a brief description thereof, and the amount of the monthly rental. The lists shall be retained by the agent for a period of one (1) year subject to examination by the board.

(9) No rental location agent may furnish a prospective tenant with the address of a prospective rental unless the licensee has received specific authorization to offer the property for rent from the owner or his authorized agent.

(10) A rental location agent may not refer a prospective tenant to a rental listing unless the availability of the listing has been verified within three

(3) business days of the referral.

Section 9. License fees. The board shall set the original license fee and renewal fee but each fee may not exceed fifty dollars (\$50).

Section 10. Penalty. A person convicted of violating this act shall be fined not to exceed five hundred dollars (\$500) or be imprisoned in the county jail for any term not to exceed six (6) months, or both.

Section 11. It is the intent of the legislature that if a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

HB188

STATE OF MONTANA

REQUEST NO. 86-75

FISCAL NOTE

Form BD-15

In compliance with a written request received January 24, 19 75, there is hereby submitted a Fiscal Note
Senate Bill 188 - pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF LEGISLATION:

Senate Bill 188 provides for a 5% tax on gross receipts from parimutuel betting.

ASSUMPTIONS:

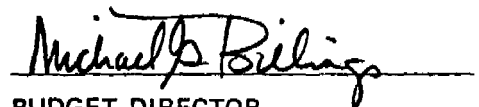
Parimutuel betting gross receipts for 1974 were \$4,252,712. Approximately the same gross receipts are anticipated during
the next two years.

FISCAL IMPACT:

	FY 76,	FY 77
Expected increase in General Fund revenue	\$ 215,000	\$ 215,000

CONCLUSION:

Enactment of Senate Bill 188 would provide approximately \$430,000 in increased revenue during the biennium.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: January 29, 1975

Meeting Notes
January 25, 1975
Page 2

HB 187 - Representative Moore, sponsor, stated this bill was to amend the \$500 fee for application of land.

Greg Jackson - Board of Real Estate, and Cliff Christian were present as proponents for the bill. They stated that any part of this \$500 fee that wasn't used would be returned. They felt these expenses should be handled by a subdivider. They also stated that a land check is made on land before it is sold or bought to see if there are any mineral rights, swamps. etc.

HB 188 & 189 - Representative Moore, sponsor, asked that these two bills be put into a subcommittee for further research.

HB 188 & 189 - Representative Lien moved to put these two bills in a subcommittee. Representative Mular seconded the motion. The motion passed unanimously. Members of the subcommittee are Representatives Mercer, Hageman, Johnston.

HB 187 - Representative Hubing moved it do pass. Representative Bardanoue seconded the motion. It passed unanimously.

HB 184 - Representative Bardanoue moved this do pass. Representative Kanduch seconded the motion. The vote was

Minutes

February 6, 1975

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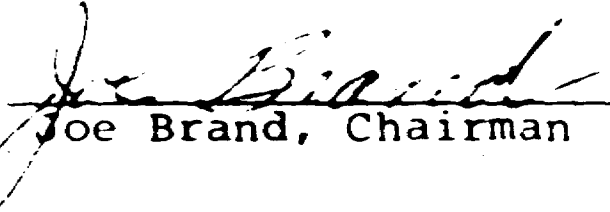
HB 378 - Representative Johnston moved that this do pass.
Representative Lien seconded the motion. The bill passed.

HB 189 - Representative Johnston moved that this do not pass.
Representative Kanduch seconded. The bill was voted do not pass.

HB 188 - Representatived moved to pass the amendments. (See
attached committee report) Representative Kanduch seconded
the motion. The bill passed as amended.

HB 65 - Representative Kanduch made the motion of do not pass.
Representative Johnston seconded the motion. The vote was
do not pass with Representative Mular voting negative.

With no further business, the meeting was adjourned.


Joe Brand, Chairman

STANDING COMMITTEE REPORT

DO PASS AS AMENDED

February 6

, 73

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 188

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE LICENSING AND REGULATION OF RENTAL LOCATION AGENTS; AND PROVIDING PENALTIES."

Respectfully report as follows: That House Bill No. 188

Be it amended in the Introduced bill as follows:

1. Amend the title, page 1, line 4.
Following: "TO"
Strike: "PROVIDE FOR"
Insert: "CLARIFY"
2. Amend page 1, title, line 5.
Following: "AGENTS"

Chairman.

COMMITTEE ON STATE ADMINISTRATION AMENDMENT TO HOUSE BILL NO. 188

of the foregoing activities. The term "broker" also includes an individual employed by or on behalf of the owner or lessor of real estate, to conduct the sale, leasing, subleasing, or other disposition thereof at a salary or for a fee, commission, or any other consideration; it also includes an individual who engages in the business of charging an advance fee or contracting for collection of a fee in connection with a contract by which he undertakes primarily to promote the sale, lease, or other disposition of real estate in this state through its listing in a publication issued primarily for this purpose, or for referral of information concerning real estate to brokers, or both; and any person who aids, attempts, or offers to aid, for a fee, any person in locating or obtaining for purchase or lease any real estate.

(3) "Salesman" includes an individual who, for a salary, commission, or compensation of any kind, is employed, either directly, indirectly, regularly, or occasionally, by a real estate broker to sell, purchase, or negotiate for the sale, purchase, exchange, or renting of real estate.

(4) "Person" includes individuals, partnerships, associations and corporations, foreign and domestic, except that when referring to a person licensed under this act it means an individual.

(5) "Board" means the board of real estate, provided for in section 32A-1602.23.

(6) "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16."

HOUSE BILL 322: Representative Wolfe presented the bill to the Committee which would increase to twenty-five thousand dollars the amount which a farm mutual insurer may retain on a single risk; and provide an effective date. A brief discussion period followed with questions from the Committee.

HOUSE BILL 3: Representative Quilici presented the bill to the Committee. The bill would require that a person who does not renew or cancels a policy to give a written explanation. Some of the reasons for not renewing would be age, divorce, or change of living location. A brief discussion period followed with questions from the Committee.

HOUSE BILL 188: In the absence of Representative Jack Moore who was chief sponsor of this bill, Greg Jackson, Montana Board of Real Estate presented the bill to the Committee. He stated that there are rental agents in Montana who, for ten or twenty dollars, will provide a list to people of available dwellings for rent. Most items on the lists have been taken from the newspapers. The prospective tenant needs some protection. A brief discussion period followed with questions from the Committee.

March 10, 1975

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

Chairman Regan called the executive session of the Business and Industry Committee to order on the above date in room 404 of the State Capitol Building.

ROLL CALL: All members of the Committee were present with Senator Devine excused and Senators Rosell and Hazelbaker being absent.

HOUSE BILL 188: Senator Towe moved the bill be concurred in. All were in favor.

HOUSE BILL 328: Senator Towe moved the bill be concurred in. All were in favor.

HOUSE BILL 388: Senator Towe moved the bill be concurred in. Senator Hazelbaker will carry this bill. All were in favor with Senator Greeley voting no.

HOUSE BILL 469: Senator Greeley moved to amend page 38 line 22, following "auditor or". All were in favor.

March 11

19 75

MR. **PRESIDENT**

We, your committee on **Business and Industry**

having had under consideration **House** Bill No. **138**

... follow: That

House

Bill No. **138**

HOUSE BILL NO. 188

INTRODUCED BY JACK MOORE

(REQUESTED BY DEPARTMENT OF PROFESSIONAL AND
OCCUPATIONAL LICENSING)

A BILL FOR AN ACT ENTITLED: "~~AN ACT TO PROVIDE FOR~~ CLARIFY
THE LICENSING AND REGULATION OF RENTAL LOCATION AGENTS~~,-AND~~
~~PROVIDING PENALTIES.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
(Strike everything after the enacting clause and insert:)

SECTION 1. SECTION 66-1925, R.C.M. 1947, IS AMENDED TO
READ AS FOLLOWS:

"66-1925. Definitions. Unless the context requires
otherwise, in this act:

(1) "Real estate" includes leaseholds, as well as any
other interest or estate in land, whether corporeal,
incorporeal, freehold or nonfreehold, and whether the real
estate is situated in this state or elsewhere.

(2) "Broker" includes an individual who for another,
or for a fee, commission, or other valuable consideration,
or who with the intent or expectation of receiving the same,
negotiates or attempts to negotiate the listing, sale,
purchase, rental, exchange, or lease of real estate or of
the improvements thereon, or collects rents or attempts to

collect rents, or advertises or holds himself out as engaged
in any of the foregoing activities. The term "broker" also
includes an individual employed by or on behalf of the owner
or lessor of real estate, to conduct the sale, leasing,
subleasing, or other disposition thereof at a salary or for
a fee, commission, or any other consideration; it also
includes an individual who engages in the business of
charging an advance fee or contracting for collection of a
fee in connection with a contract by which he undertakes
primarily to promote the sale, lease, or other disposition
of real estate in this state through its listing in a
publication issued primarily for this purpose, or for
referral of information concerning real estate to brokers,
or both; and any person who aids, attempts, or offers to
aid, for a fee, any person in locating or obtaining for
purchase or lease any real estate.

(3) "Salesman" includes an individual who, for a
salary, commission, or compensation of any kind, is
employed, either directly, indirectly, regularly, or
occasionally, by a real estate broker to sell, purchase, or
negotiate for the sale, purchase, exchange, or renting of
real estate.

(4) "Person" includes individuals, partnerships,
associations, and corporations, foreign and domestic, except
that when referring to a person licensed under this act it

REFERENCE BILL

1 means an individual.

2 (5) "Board" means the board of real estate, provided
3 for in section 82A-1602.23.

4 (6) "Department" means the department of professional
5 and occupational licensing, provided for in Title 82A,
6 chapter 16."

-End-